

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL NO. _____
v.	:	DATE FILED: JULY 29, 2008
JOSE M. ALVAREZ	:	VIOLATIONS:
	:	18 U.S.C. § 922(g)(1) (convicted felon in possession of a firearm - 2 counts)
	:	26 U.S.C. § 5861(d) (possession of an unregistered short-barreled shotgun - 1 count)
	:	21 U.S.C. § 841(a)(1), (b)(1)(C) (distribution of heroin - 1 count)
	:	21 U.S.C. § 841(a)(1), (b)(1)(C) (possession with intent to distribute heroin - 1 count)
	:	18 U.S.C. § 922(g)(1) (convicted felon in possession of ammunition - 1count)
	:	Notice of forfeiture

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

On or about January 24, 2008, in Lancaster, in the Eastern District of Pennsylvania, defendant

JOSE M. ALVAREZ,

having been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting interstate commerce a firearm, that is, a Harrington & Richardson Arms Company, Model Topper M48, short-barreled 16 gauge shotgun, serial number H11700, with the barrel sawed-off to a length of less than 18 inches and an overall length of less than 26 inches.

In violation of Title 18, United States Code, Sections 922(g)(1) and 924(e).

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about January 24, 2008, in Lancaster, in the Eastern District of
Pennsylvania, defendant

JOSE M. ALVAREZ

knowingly received and possessed a firearm, that is, a Harrington & Richardson Arms Company,
Model Topper M48, short-barreled 16 gauge shotgun, serial number H11700, with the barrel
sawed-off to a length of less than 18 inches and an overall length of less than 26 inches, not
registered to him in the National Firearms Registration and Transfer Record.

In violation of Title 26, United States Code, Sections 5841, 5861(d), and 5871.

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about May 6, 2008, in Lancaster, in the Eastern District of Pennsylvania,
defendant

JOSE M. ALVAREZ,

having been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting interstate commerce a firearm, that is, a Yugoslavia, Model 59/66, 7.62x39 caliber assault rifle, serial number M-512824, loaded with nine live rounds of 7.62x39 caliber ammunition.

In violation of Title 18, United States Code, Sections 922(g)(1) and 924(e).

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

On or about July 1, 2008, in Lancaster, in the Eastern District of Pennsylvania,
defendant

JOSE M. ALVAREZ

knowingly and intentionally distributed a mixture and substance containing a detectable amount
of heroin, a Schedule I controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(C).

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

On or about July 2, 2008, in Lancaster, in the Eastern District of Pennsylvania,
defendant

JOSE M. ALVAREZ

knowingly and intentionally possessed with intent to distribute a mixture and substance
containing a detectable amount of heroin, a Schedule I controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(C).

COUNT SIX

THE GRAND JURY FURTHER CHARGES THAT:

On or about July 2, 2008, in Lancaster, in the Eastern District of Pennsylvania,
defendant

JOSE M. ALVAREZ,

having been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting interstate commerce ammunition, that is, 10 live rounds of Winchester 9mm ammunition in a handgun magazine and 14 live rounds of Winchester 9mm ammunition in a "Sturm Ruger" handgun magazine.

In violation of Title 18, United States Code, Sections 922(g)(1) and 924(e).

NOTICE OF FORFEITURE

As a result of the violations of Title 18, United States Code, Section 922(g)(1), set forth in this indictment, defendant

JOSE M. ALVAREZ

shall forfeit to the United States of America the firearms and ammunition involved in the commission of these offenses, including, but not limited to:

- (1) One Harrington & Richardson Arms Company, Model Topper M48, short-barreled 16 gauge shotgun, serial number H11700, with the barrel sawed-off to a length of less than 18 inches and an overall length of less than 26 inches;
- (2) one Yugoslavia, Model 59/66, 7.62x39 caliber assault rifle, serial number M-512824;
- (3) nine live rounds of 7.62x39 caliber ammunition;
- (4) 10 live rounds of Winchester 9mm ammunition in a handgun magazine; and

(5) 14 live rounds of Winchester 9mm ammunition in a "Sturm Ruger" handgun magazine.

All pursuant to Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 924(d).

A TRUE BILL:

GRAND JURY FOREPERSON

LAURIE MAGID
ACTING UNITED STATES ATTORNEY